



APPLICATION GRANTED
SO ORDERED *Vernon S. Broderick*
VERNON S. BRODERICK
U.S.D.J. 3/13/2023

I shall hold any decision on motions pending in this matter in abeyance until October 2, 2023. The parties shall submit a further joint status letter by September 27, 2023.

BY ECF

The Honorable Vernon S. Broderick
 United States District Judge
 United States Courthouse
 40 Foley Square
 New York, New York 10007

Re: *Riverkeeper, Inc. v. Regan*, No. 17 Civ. 4916 (VSB)

Dear Judge Broderick:

On behalf of defendants and with the consent of all parties, I write to provide the Court a status update as provided in the Court's endorsed order dated February 9, 2023 [ECF No. 194]. Since February 8, the parties have continued their discussions regarding intervenor-defendant New York State Department of Environmental Conservation's ("NYSDEC") advanced notice of proposed rulemaking, which was referenced in defendants' August 10, 2022 letter to the Court [ECF Nos. 184]. NYSDEC is continuing to work on updates to New York State's water quality standard regulations and waterbody classifications, and intends to file a proposed rule with the New York State Department of State by March 31, 2023.

To facilitate these ongoing discussions, to allow time for the public to provide comments on the forthcoming proposed rule, and to allow NYSDEC to work on promulgating a new rule after considering and responding to the comments received, defendants respectfully request that the Court continue to hold in abeyance any action on the parties' pending cross-motions for summary judgment and NYSDEC's motion to amend its answer to assert a cross-claim against EPA [ECF Nos. 128, 150, 145, 154, 173], until **October 2, 2023**. Defendants further propose that the parties submit a joint status letter to the Court on or before **September 27, 2023**. The parties further agree that any party may file a letter with this Court to terminate the abeyance period prior to October 2, 2023, but must first notify the remaining parties at least two weeks prior to filing its letter, with the parties to engage in a meet and confer as soon as reasonably practicable. This is the defendants' sixth request on consent for the Court to hold these motions in abeyance. Plaintiffs and intervenor-defendants NYSDEC and the City of New York consent to this request.

We thank the Court for its consideration of this request.

Hon. Vernon S. Broderick
March 10, 2023

Page 2 of 2

Respectfully,

DAMIAN WILLIAMS
United States Attorney

/s/ Tomoko Onozawa

By: TOMOKO ONOZAWA
Assistant United States Attorney
Tel: (212) 637-2721
Fax: (212) 637-2686

cc (via ECF): All counsel of record